

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John A. Sazy

Application No.: 10/655,571

Group Art Unit: 3738

Filed: September 4, 2003

Examiner: not yet assigned

Confirmation No.: 6429

Title: INTERVERTEBRAL CAGE AND METHOD OF USE

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
March 26, 2004	<i>Petsy S. Kirschner</i>
Date	Signature
<i>Petsy S. Kirschner</i>	
Typed or printed name of person signing certificate	

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

☐ under 37 CFR 1.129(a), or

(First/Second submission after Final Rejection)

☒ under 37 CFR 1.97(b), or

(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).

☐ under 37 CFR 1.97(c) together with either:

☐ a Statement under 37 CFR 1.97(e), as checked below, or

☐ a \$180.00 fee under 37 CFR 1.17(p), or

(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

☐ under 37 CFR 1.97(d) together with:

☐ a Statement under 37 CFR 1.97(e), as checked below, and

☐ a \$180.00 fee under 37 CFR 1.17(p), or

(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)

☐ under 37 CFR 1.97(i):

Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.

(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
  - ☒ Copies of the cited references are enclosed.
    - ☐ Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
  - ☐ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
  - ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
  - ☒ The "concise explanation" requirement (non-English references) for references AM and AO under 37 CFR 1.98(a)(3) is satisfied by:
    - ☐ the explanation provided on the attached sheet.
    - ☐ the explanation provided in the Specification.
    - ☐ submission of the enclosed International Search Report.
    - ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
    - ☒ the enclosed English language claims (AM); the enclosed English language abstract (AO).

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's  
Initials

\_\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_\_  
Examiner

\_\_\_\_\_  
Date

☐ A copy of each above-cited application, including the current claims, is enclosed.

☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.


☐ Please charge Deposit Account 08-0380 in the amount of \$[ ]. A copy of this Statement is enclosed.

☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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Dated:

3/26/04

PTO-1449 REPRODUCED

**INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION**

March 26, 2004

(Use several sheets if necessary)

ATTORNEY DOCKET NO.  
3518.1016-000

APPLICATION NO.  
10/655,571

FIRST NAMED INVENTOR  
John A. Sazy

FILING DATE  
September 4, 2003

EXAMINER

CONFIRMATION NO.  
6429

GROUP  
3738

**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NUMBER Country Code-Number-Kind Code (if known)	DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	TRANSLATION	
					YES	NO
	AL	WO 01/47443 A1	07-05-2001	Sazy		
	AM	EP 0 916 323 B1	01-02-2003	Schäfer		X
	AN	WO 01/28469 A2, A3	04-26-2001	SDGI Holdings, Inc.		
	AO	WO 01/70144 A1	09-27-2001	Scolio GMBH		X
	AP	WO 02/17823 A1	03-07-2002	Koo, Ja-Kyo, <i>et al.</i>		
	AQ					
	AL2					
	AM2					
	AN2					
	AO2					
	AP2					
	AQ2					
	AL3					
	AM3					
	AN3					
	AO3					
	AP3					
	AQ3					
	AL4					
	AM4					
	AN4					
	AO4					
	AP4					
	AQ4					

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## U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AA	US 2003/0028251 A1	02-06-2003	Mathews
	AB	US 2002/0165550 A1	11-07-2002	Frey <i>et al.</i>
	AC	US 2002/0019637 A1	02-14-2002	Frey <i>et al.</i>
	AD	US 3,867,728	02-25-1975	Stubstad <i>et al.</i>
	AE	US 5,702,449	12-30-1997	McKay
	AF	US 2002/0055781 A1	05-09-2002	Sazy
	AG	US 6,143,032	11-07-2000	Schafer <i>et al.</i>
	AH	US 5,609,637	03-11-1997	Biedermann <i>et al.</i>
	AI	US 5,827,289	10-27-1998	Reiley <i>et al.</i>
	AJ	US 6,086,613	07-11-2000	Camino <i>et al.</i>
	AK	US 4,820,305	04-11-1989	Harms <i>et al.</i>
	AA2	US 4,904,261	02-27-1990	Dove <i>et al.</i>
	AB2	US 5,861,041	01-19-1999	Tienboon
	AC2	US 5,865,845	02-02-1999	Thalgott
	AD2	US 6,143,033	11-07-2000	Paul <i>et al.</i>
	AE2	US 6,245,108 B1	06-12-2001	Biscup
	AF2	US 6,387,130 B1	05-14-2002	Stone <i>et al.</i>
	AG2	US 2002/0016592 A1	02-07-2002	Branch <i>et al.</i>
	AH2	US 2002/0077700 A1	06-20-2002	Varga <i>et al.</i>
	AI2	US 2002/0022886 A1	02-21-2002	Fuss <i>et al.</i>
	AJ2	US 5,800,550	09-01-1998	Sertich
	AK2	US 5,941,880	08-24-1999	Errico <i>et al.</i>
	AA3	US 5,665,122	09-09-1997	Kambin
	AB3	US 2004/0030346 A1	02-12-2004	Frey <i>et al.</i>

EXAMINER

DATE CONSIDERED